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Proposed modification to the IAG describing Accelerated Response Actions

I B 10 Interim Responses

I B 10 a Emergency Removal
(*unchanged from current language in IAG*)

I B 10 b Accelerated Response Actions

Accelerated Response Actions may be implemented in the event that the parties agree that they are necessary and appropriate to provide for expeditious actions to mitigate a threat or potential threat to public health or the environment and can be implemented within six months. These actions shall be implemented in a manner which is consistent with the requirements of CERCLA, RCRA, and CHWA as appropriate.

Upon agreement of all parties that such an action is necessary, DOE shall prepare a Proposed Action Memorandum (PAM) in consultation with the State and EPA. The PAM shall be a primary document, and shall contain a brief summary of the data for the site, an explanation of the proposed action, waste management considerations, a brief explanation of how the proposed action is consistent with any long-term remedial action objectives, and an implementation schedule and completion date for the proposed action. If appropriate, the PAM shall also contain a brief summary of risks which the Accelerated Response Action is intended to mitigate, and/or proposed performance standards. DOE shall identify all ARARs specifically related to the proposed action. DOE may propose to combine several Accelerated Response Actions under one PAM to facilitate a more efficient approval process for these actions. Similar actions are defined as actions which involve similar contaminants and similar response techniques, and which will be accomplished in a defined time frame.

DOE will issue the PAM to the State and EPA and make the PAM available for public comment for 30 calendar days. At the conclusion of the public comment period, DOE shall have 14 calendar days to incorporate public comments, as appropriate, and prepare a Responsiveness Summary. DOE will then submit the revised PAM and Responsiveness Summary to the State and EPA. The State and EPA will have 7 calendar days to approve or disapprove the PAM and the Responsiveness Summary, provide comments, or request an additional 7 calendar days. DOE will then have 7 calendar days to incorporate the agencies' comments or, if concerns cannot be resolved, invoke dispute resolution. If the State or EPA believe that significant changes have occurred to the PAM as a result of regulator input, the State or EPA may request an additional public comment period. If the State and EPA do not respond within the 7 calendar-day review period, the PAM and Responsiveness Summary are considered approved.

During the pendency of the public comment period, and after consultation with and approval by the State and EPA, DOE may initiate certain preliminary activities. These preliminary activities may include conducting appropriate sampling and conducting any studies and administrative activities prerequisite to implementing the remedial actions proposed in the PAM.

If public comments are received, and upon agency approval, the Administrative Record (including, but not limited to, draft PAMs, the final PAM, public comments, and the Responsiveness Summary) will be placed in public information repositories at least 10 calendar days before Accelerated Response Actions are initiated, except with regard to the approved preliminary activities described above.

DOE shall keep the State and EPA apprised of the progress of the activities required for implementation of the Accelerated Response Action through inclusion in the monthly progress reports to be submitted to the State and EPA, pursuant to part 34 of the Agreement. The monthly progress reports shall provide information regarding the status of the work performed during the previous month consisting of action-specific details including, but not limited to: number of wells drilled, number of samples taken, status of construction work for all response actions taken, problems encountered and their resolution, status of analytical results, results of environmental monitoring related to the response action, and any variations from the PAM.

A Completion Report shall be prepared for each action when all work is completed and analytical data are validated. The report will consist of a brief description of the work which was completed, including any variations from the original PAM, and any analytical results, including the results of any confirmatory sampling taken to verify completion of the action to the specific performance standards.

All parties recognize that implementation of an Accelerated Response Action may not be intended to, nor be able to, fully address the threat posed by a release or achieve final required performance standards and objectives at a contaminated site, and that further response action may be required.

I B 10 c

Interim Measure/Interim Remedial Actions
(*unchanged from current language in IAG*)